

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/B/2275/2000

The following Bill which was introduced in the Legislative Assembly of Goa on 14-7-2000 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa State Commission for Backward Classes (Amendment) Bill, 2000

(Bill No. 23 of 2000)

A

BILL

to amend the Goa State Commission for Backward Classes Act, 1993.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa State Commission for Backward Classes (Amendment) Act, 2000.

(2) It shall come into force at once.

2. *Insertion of a new section 9A.*— In the Goa State Commission for Backward Classes Act, 1993 (Goa Act 13 of 1993) hereinafter referred to as

the "Principal Act"), after section 9, the following shall be inserted namely:—

"9A.— *Duties of the Commission.*— It shall be the duty of the Commission to,—

(a) advise the State Government regarding measures to be taken for the expeditious social, educational and economic advancement of the backward classes and to monitor the implementation of such measures;

(b) monitor the performance of backward classes in competitive examinations for selections to posts against reserved as well as unreserved quotas at the Union and State levels, and to advise on the measures necessary to expeditiously improve the performance of such classes.

(c) ensure provision of support for community and voluntary efforts for the comprehensive and total removal of the backwardness and inequalities among the backward classes;

(d) initiate any other measures considered by it to be necessary to fulfil the object of enabling the backward classes to expeditiously advance in social, educational and economical fields so as to bring about all round equality".

3. *Amendment of section 10.*— In section 10 of the principal Act, after the words and numerals "sub-section (1) of section 9" the words and numerals "and section 9A" shall be inserted.

Statement of Objects and Reasons

The Bill seeks to insert a new section viz., section 9A in the Goa State Commission for Backward Classes Act, 1993 (Goa Act 13 of 1993), so as to

provide for entrusting certain duties to the State Commission for Backward Classes, with a view to expeditiously providing the social, educational and economical advancement of the backward classes.

Financial Memorandum

There are no financial implications involved in this Bill.

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

Assembly Hall,
Porvorim,
7th July, 2000.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.

Porvorim,
19th June, 2000.

SHRI LUIS ALEX CARDOZO
M. L. A.

LA/B/2273/2000

Assembly Hall,
Porvorim,
7th July, 2000.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.

The following Bill which was introduced in the Legislative Assembly of Goa on 14-7-2000 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

ANNEXURE

**Extracts of the Goa State Commission for Backward
Classes Act, 1993**

(Act 13 of 1993)

Section - 9

Functions and Powers of the Commission

9. *Functions of the Commission.*— (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the State Government.

Section - 10

10. *Powers of the Commission.*— The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of the State of Goa and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

**The Goa, Daman and Diu Mundkars (Protection
from Eviction) Amendment Bill, 2000**

(Bill No. 24 of 2000)

A

BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Mundkars (Protection from Eviction) Amendment Act, 2000.

2. *Amendment of section 39.*— In section 39 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), the following shall be added at the end:

Explanation.— The expression "the land owned or held by the Government" does not include the land vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964).

Statement of Objects and Reasons

LA/B/2274/2000

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) provides for better protection to Mundkars against eviction from their dwelling houses as well as grants them the right to purchase the same, in addition to providing for connected matters.

2. In view of the vague phraseology— "the land owned or held by the Government"— used in section 39 of the Act relating to exemptions, there are doubts whether the Act applies to land vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964).

3. This Bill seeks to clear the doubts by inserting an explanation in section 39 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Financial Memorandum

No Financial implications are involved in the Bill.

Porvorim, SHRI MANOHAR PARRIKAR
29th June, 2000. M. L. A.

Assembly Hall, R. KOTHANDARAMAN
Porvorim, Secretary to the Legislative
12th July, 2000. Assembly of Goa.

ANNEXURE

Extracts of the Goa, Daman and Diu Mundkars
(Protection from Eviction) Act, 1975

(Act No. 1 of 1976)

Section - 39

39. *Exemption*:— Nothing in this Act shall apply to the land owned or held by Government of any other State in India, Government of India, a local authority or Provedoria de Assistencia Public.

Assembly Hall, R. KOTHANDARAMAN
Porvorim, Secretary to the Legislative
12th July, 2000. Assembly of Goa.

The following Bill which was introduced in the Legislative Assembly of Goa on 14-7-2000 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Administration of
Evacuee Property (Amendment) Bill, 2000

(Bill No. 25 of 2000)

A

BILL

to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement*:— (1) This Act may be called the Goa, Daman and Diu Administration of Evacuee Property (Amendment) Act, 2000.

(2) It shall be deemed to have come into force from the 31st day of March, 1995.

2. *Amendment of section 2*:— In section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964) (hereinafter referred to as the principal Act),—

(i) in clause (kkkk),—

for the words "but does not include a person who holds land on lease" the words "but does not include a successful bidder" shall be substituted; and

(ii) in clause (l),—

after the word "Custodian", the words "but does not include a mundkar or tenant or deemed purchaser" shall be inserted.

3. *Amendment of section 3*:— In section 3 of the principal Act,—

(i) the existing section may be re-numbered as sub-section (1);

(ii) after the sub-section (1) as re-numbered in sub-clause (i) above, the following shall be inserted:

"(2) Notwithstanding anything to the contrary contained in any Act, custom or usage, contract, order or decree of any Tribunal or Court or the Custodian under the principal Act or any other authority,—

(i) every person who is in occupation, as on the 30th day of June, 2000, of any dwelling house situated on the evacuee property vested in the Custodian under the principal Act,—

(a) shall be deemed to be a mundkar or his dwelling house;

(b) shall be entitled for certificates of purchase in respect the dwelling house on payment of the price determined in accordance with the provisions of the Goa, Daman and Diu Mundkars (Protection of Rights) Act, 1975 (Act No. 1 of 1976); and

(c) shall also be deemed as purchaser for the purposes of this Act; and

(ii) every person evicted from this dwelling house situated on the evacuee property vested in the Custodian under the principal Act on and from the date of coming into force of this Act and upto the 30th day of June, 2000, shall be entitled to restoration of his dwelling house if he makes an application to the Mamlatdar within one year from the date of coming into force of this Act:

Provided that the Mamlatdar shall dispose of the application so filed within 3 months of such filing."

4. *Amendment of section 7.*— In section 7 of the principal Act, after sub-section (2), the following shall be inserted:

"(3) No such force as is referred to in sub-section (2) shall be used against any person who, as on the 30th day of June, 2000, is in occupation of a dwelling house situated on evacuee property vested in the Custodian under the principal Act."

Statement of Objects and Reasons

The proposed Bill seeks to protect all the persons who are staying in the dwelling houses as Mundkar and cultivating the lands in the evacuee properties. It has been observed that there has been always threats to these persons for eviction from the Custodian inspite of extending the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975. The Bill also seeks to provide relief to those persons who were evicted on or after 31st March, 1995 i. e. the date from which the provisions of Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 were made applicable to properties vested in the Custodian.

The Bill seeks to achieve the above objectives.

Financial Memorandum

No financial implication is involved in the Bill and, hence, no financial memorandum is appended to the Bill.

Memorandum Regarding Delegated Legislation

No delegation of legislative powers is involved in the Bill and, hence, no memorandum regarding delegated legislation is involved.

Porvorim,
29th June, 2000.

SHRI MANOHAR PARRIKAR
M. L. A.

Assembly Hall,
Porvorim,
12th July, 2000.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

Extracts of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

(Act No. 6 of 1964)

Section - 2

2. *Definitions.*— In this Act unless the context otherwise requires,—

"(a) "agriculture" includes horticulture and raising of food crops, grass and garden produce but does not include allied pursuits.

(aa) "allied pursuits" means rearing or maintaining plough bulls, breeding of livestock, dairy farming poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture, as may be prescribed;";

(aaa) Custodian means the Custodian appointed or deemed to be appointed under section 4, and includes any Deputy or Assistant Custodian of Evacuee Property;

(b) evacuee means any person—

(i) who, on account of Liberation of Goa, Daman and Diu, leaves or has, on or after the relevant date, left Goa, Daman and Diu for any place outside India; or

(ii) who has after the relevant date transferred to any place outside India, without the previous approval of the Custodian, his assets or any part of his assets situated in Goa, Daman and Diu; or

(iii) who, during any time before or after the relevant date, has been residing in any place outside India, and who for that reason was or is unable to occupy, supervise or manage in person his property in Goa, Daman and Diu, or whose property has ceased to be occupied, supervised or managed by any person or is being occupied, supervised or managed by an unauthorised person:

Provided that, unless the Government, for good and sufficient reasons, directs otherwise, no person of Goa, Daman and Diu origin, shall become an evacuee by virtue of sub-clause (iii), if he had before the relevant date, migrated to any country outside India and by reason of such migration become a national or domicile of that country.

"Provided further that any person who left the territory of Goa, Daman and Diu for any place outside India whether before or after the 6th day of December, 1961 and held an Indian passport at the time of such departure shall not be deemed to be an evacuee".

Explanation I:— For the purpose of this Act, a person shall be deemed to be of Goa, Daman and Diu origin if he or either of his parents or grand parents was born anywhere in India including Goa, Daman and Diu.

Explanation II:— Migration means the departure out of India of any person for the purpose of any employment or with the intention of engaging in any gainful occupation.

(c) Evacuee property means any property of an evacuee (whether held by him as owner, or as trustee or as a beneficiary or as tenant or in any other capacity), and includes any property,—

(i) Which has been obtained by any person from an evacuee after the relevant date, by any mode of transfer unless such transfer has been confirmed by the Custodian; or

(ii) Which belongs to an intending evacuee and in respect of which a declaration is made under section 21.

(d) Goa, Daman and Diu means the Union Territory of Goa, Daman and Diu;

(e) Government means the Government of Goa, Daman and Diu;

(f) intending evacuee means any Portuguese National in Goa, Daman and Diu against whom any intention to settle in any place outside India is established from his conduct or from documentary evidence and who is declared as an intending evacuee under Section 18;

"(ff) "lease" means a transfer of a right to enjoy land made orally or in writing, by the

(fff) evacuee for a specified, or unspecified period and in consideration of rent;

(g) Member of the family of any person means any member of that family who is wholly dependent upon the earning of such person for the provision of the ordinary expenses of the household to which they jointly belong or who owns property or carries on business jointly with such person;

(gg) "mundkar" means a mundkar as defined under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976);";

(h) Official Gazette means the Goa, Daman and Diu Government Gazette;

(hh) 'person' includes—

i) an individual

ii) a Hindu undivided family,

iii) a company,

iv) a firm,

v) an association of persons or a body or individuals, whether incorporated or not,

vi) a local authority, and

vii) every artificial juridical person, not falling within any of the preceding sub-clauses;"

(i) prescribed means prescribed by rules made under this Act;

(j) property means property of any kind and includes any right or interest in such property;

(k) relevant date means the sixth day of December, 1961;

"(kk) "rent" means any consideration in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(kkk) "tenancy" means the relationship existing between the tenant and the Custodian;

(kkkk) "tenant" means a person who on or after the date of commencement of the Goa Administration of Evacuee Property (Amendment) Act, 1989, holds land and cultivates it personally but does not include a person who holds land on lease for the purpose of plucking the fruits only;"

Provided that Government by notification in the Official Gazette fix the 15th day of August, 1954, as the relevant date for any particular class or category of cases;

(1) Unauthorised person means any person (whether duly empowered in this behalf by the evacuee or otherwise) who, after the relevant date, has been occupying, supervising or managing the property of an evacuee without the approval of the Custodian.

(m) the words terms and definitions not defined under the Act shall have the same meaning assigned to them under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976)."

Section - 3

"3. Act to override other laws.—(1) On and from the date of coming into force of the Goa Administration of Evacuee Property (Amendment) Act, 1989, the provisions

of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for the time being in force, shall apply in respect of agricultural land and tenancies created by the Custodian.

"(1A) Notwithstanding anything contained in sub-section (1), the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), for the time being in force, shall apply to evacuee properties vested in the Custodian under section 6 of the Act."

(2) The provisions of this section shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained in any instrument having effect by virtue of any such law."

Section - 7

7. Power of Custodian to take possession of evacuee property vested in him.—(1) If any person in possession of any evacuee property refuses or fails on demand to surrender possession thereof to the Custodian or to any person duly authorised by him used such force as may be necessary for taking possession of such property and may for this purpose, after giving reasonable warning (and reasonable facility to any woman who by custom or usage will not appear in public, to withdraw), remove or break open any lock, bolt or any door or do any other act necessary for the said purpose.

(2) Where it becomes necessary to use force, the Custodian may, with the approval of Government requisition the aid of the Police and in such cases, every officer of the Police shall be bound to render such assistance as may be required by the Custodian.

Assembly Hall,
Porvorim,
13th July, 2000.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.